

United States District Court
for the
Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 29, 2022

SEAN F. McAVOY, CLERK

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No. 2:22-mj-00448-JAG

ISRAEL GARCIA,

Defendant.

CRIMINAL COMPLAINT

I, Special Agent Bianca Dimas, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) October 16, 2022, in the county of Spokane in the Eastern District of Washington, the defendant, ISRAEL GARCIA, violated: Title 21 United States Code, Section, 841(a)(1), (b)(1)(A)(vi) - Possession with the Intent to Distribute 400 Grams or More of Fentanyl.

This complaint is based on these facts:

☒ Continued on the attached sheet.

Bianca Dimas

Complainant's signature

SA Bianca Dimas, Drug Enforcement Administration

Printed name and title

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: Dec 29, 2022, 3:27 pm

Alexander C. Ekstrom

Judge's signature



Alexander C. Ekstrom, United States Magistrate Judge

Printed name and title

City and state: Richland, Washington

AUSA Assigned: SAV

County of Investigation: Spokane

In Re: Criminal Complaint for Israel Garcia

AFFIDAVIT

STATE OF WASHINGTON)
) ss
Spokane County)

AFFIDAVIT IN SUPPORT

I, Bianca Dimas, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. Your affiant, DEA Special Agent Bianca Dimas, is an investigator or law enforcement officer of the United States, within the meaning of *18 U.S.C. § 2510(7)*, and I am empowered by law to conduct investigations of, and arrests for, the offenses enumerated in *18 U.S.C. § 2516*, as well as *21 U.S.C § 801, et seq.*

This Affidavit is submitted to establish probable cause to support the authorization of the requested arrest warrant and criminal complaint.

TRAINING AND EXPERIENCE

2. I am a Special Agent employed by the United States Drug Enforcement Administration (DEA), and have been so employed since April 2018. I have received approximately 18 weeks of training at the DEA Academy in Quantico, Virginia. During that training, I learned how criminal enterprises are

structured and how they operate. I also learned how controlled substances are manufactured, consumed, packaged, marketed and distributed. I have had formal and informal training and experience in controlled substances investigation; I have become familiar with the manner in which controlled substances, including methamphetamine, heroin, cocaine, and fentanyl are produced, trafficked, distributed and consumed. I have received training in the identification of all types of controlled substances by sight and odor. I have participated in multiple arrests for controlled substance violations. In the course of my duties, I have become familiar with the practices and techniques of traffickers in controlled substances as practiced locally and internationally.

3. I have been assigned to the Spokane District Office (SDO) since April 2022 and was previously assigned to the Caribbean Division in San Juan, Puerto Rico, where I conducted investigations of large-scale cocaine trafficking organizations, violent gangs, and federal narcotics and firearms violations.

4. Based on my training and experience, I am familiar with the various methods used by individuals to obtain, possess, transport, and/or sell controlled substances and the modus operandi utilized by members of a Drug Trafficking Organization (DTO). I am also familiar with the modus operandi as it pertains to the illegitimate use of such proceeds in violation of federal law. These methods include but are not limited to, the use of cellular telephones, wireless

communication technology, counter surveillance, elaborately planned smuggling schemes tied to legitimate businesses, stash houses, false or fictitious identities, and the use of “coded” or vague communications in an attempt to thwart law enforcement.

5. I have interviewed drug traffickers, users, and confidential informants and other sources, where I have discussed with these individuals their lifestyles, appearances, and habits and methods of drug traffickers and users. I have discussed packaging, preparation, methods of operation, and security measures typically employed by drug traffickers with other officers and agents. I have examined records consisting in part of buyers’ and sellers’ lists, and pay and owe ledgers. I have also examined documentation of various methods by which controlled substances are manufactured and imported into the United States.

6. During the course of your affiant’s employment as a Special Agent, your affiant has participated in numerous criminal investigations and has gained knowledge and experience by working with other federal, state and local law enforcement agencies. Your affiant has participated in federal and state search warrants involving the seizure of the aforementioned listed controlled substances, the seizure of records relating to the manufacturing and distribution of controlled substances, and other types of evidence documenting the activities of drug trafficking organizations and their members. Your affiant has utilized numerous

investigative techniques and resources and drawn upon the experience, techniques, and resources she has gained in her employment as a Special Agent.

7. The facts set forth below are based upon (1) my own personal observations; (2) reports and information provided to me by other law enforcement agents or government agencies; (3) evidence collected through investigative operations. Because this affidavit is being submitted solely for establishing probable cause to support a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have only set forth facts necessary to support the authorization of the requested arrest warrant and criminal complaint.

FACTS IN SUPPORT OF COMPLAINT

8. During the week of October 10, 2022, Spokane Police Department (SPD) contacted the Drug Enforcement Administration (DEA) Spokane District Office (SDO) for assistance on a search warrant at the residence of a narcotics investigation target. The execution of the search warrant yielded approximately 5,000 fake pills believed to contain fentanyl. The investigative target, hereafter referred to as SPD Cooperating Defendant (CD)¹, cooperated with investigators

¹ This individual is under written contract with SPD in an attempt to work off charges. The CD is currently cooperating with law enforcement in exchange for consideration by the Spokane County Prosecutor's Office on pending criminal charges to include Possession of a Controlled Substance with Intent to Deliver.

and identified two sources of supplies that supplied him/her with thousands of fake pills.

9. On October 15, 2022, SDO and SPD conducted an operation utilizing the SPD CD. During this operation, the SPD CD was utilized to order approximately 10,000 fake pills from SOURCE OF SUPPLY 1 (SOS1). When the drug courier arrived at the predetermined meet location, they were arrested without incident by SPD and approximately 10,000 fake pills, including colored pills were seized.

10. On October 16, 2022, the SDO and SPD conducted a second operation utilizing the aforementioned SPD CD. The SPD CD ordered approximately 10,000 fake pills, two pounds of methamphetamine and ten (10) ounces of heroin from SOURCE OF SUPPLY 2 (SOS2). The SPD CD advised law enforcement all the previous deals involving SOS2 were conducted in the SPD CD's apartment and involved the same drug courier. On October 15, 2022, the SPD CD was notified by SOS2 that a new courier (hereinafter referred to as TARGET) would be driving to Spokane to deliver the narcotics and provided SPD

His/her criminal history include: Burglary 1, Controlled Substance Delivery, Firearm Possession 1, Forgery, and VUCSA possession. Information provided by the CD has been used to make multiple drug seizures and further develop the investigation, therefore the information provided by SPD-CD has been determined to be credible and reliable.

CD phone number (206)849-0295 for TARGET. SOS2 advised SPD CD TARGET would arrive around 10:00am the next day.

11. On October 16, 2022, at approximately 9:15am, surveillance was established in the area of the meet location at Cedar Street and 1st Avenue in Spokane, WA. On the same date, SPD CD contacted TARGET and asked if TARGET was going to be in Spokane by 10:00. TARGET asked SPD CD for the address to a meet location. SPD CD maintained communication with TARGET and SPD was with the CD throughout the duration of the operation and monitoring the CD's phone. Prior to arriving at the meet location, TARGET told the SPD CD to meet him at Frank's Diner and gave the address of 1516 West Second Ave, Spokane, WA. The SPD CD advised TARGET they could not meet at Frank's Diner and asked TARGET to meet at the SPD CD's apartment. At approximately 11:15am, SPD CD received a phone call from TARGET. The SPD CD placed the call on speaker and the phone call was witnessed by SPD. TARGET indicated he had arrived and was parked on 1st Avenue in a black Chrysler 300, and TARGET asked the CD to come down to where TARGET was. Surveillance units observed a dark-colored Chrysler 300 arrive and park outside the SPD CD's apartment, consistent with the phone call to the SPD CD.

12. At this time, it was determined by SPD to initiate the arrest of the TARGET while TARGET was still inside of the dark-colored Chrysler 300 he

arrived in. SPD engaged the suspect vehicle and upon approach, the TARGET exited the passenger side of the vehicle and began shooting at officers. The TARGET, later identified as Israel GARCIA, was struck by officers and SPD rendered medical aid until paramedics arrived.

13. The Chrysler 300 was occupied by two other adults and a child. The three individuals stayed in the vehicle during the exchange of gunfire and were unharmed. During an interview of the driver (owner) of the vehicle, it was discovered the three adults had planned to drive to Spokane from the Yakima area to spend the day in Spokane shopping. The morning of October 16, 2022, the driver of the vehicle reported seeing GARCIA place a backpack in the trunk of the vehicle, prior to them departing for Spokane. The driver of the vehicle reported GARCIA indicated he wanted to eat at Frank's Diner and to see his kids that would be a Scarywood (located in Athol, ID). The driver of the vehicle also stated they were asked by GARCIA to take him to a friend's house he needed to meet with. Once at Cedar Street and 1st Avenue, the driver reported GARCIA exited the vehicle, retrieved the backpack from the trunk and returned inside the vehicle to the front passenger seat. The other adult occupant was also interviewed and provided a consistent statement to the driver. They denied any knowledge of any drugs inside the vehicle. They also denied any knowledge that GARCIA had a firearm or what GARCIA'S plans were before he got out the vehicle and started

shooting at the officers. There is no evidence that I am aware of at this time which inculpates any other occupants present other than GARCIA.

14. Officers recovered the pistol that GARCIA used to engage the SPD Officers with gunfire, near his person. A search warrant for the Chrysler 300 was secured by Spokane County Sheriff's Office (SCSO) and was executed by SCSO. During the search of the vehicle, a second firearms described as a Glock 19 pistol with an extended magazine was recovered from a bag located on the front passenger side floorboard, as well as approximately 15,000 fake pills, suspected to contain fentanyl, located in a white grocery sack also located on the front passenger side floorboard. Given the risks posed to those who are handling pills possibly laced with fentanyl, the pills were seized and sealed up for further lab testing. Based upon inspection by myself and other DEA agents and Task Force Officers, the pills appear to be the same in appearance as those we have previously seized and tested in other investigations; where the pills have been confirmed to contain fentanyl. The pills seized are blue in color, round in size, with the imprint "M" on one side and "30" on the other. I know from previous narcotics investigations that true Oxycodone Hydrochloride pills are round blue pills with the imprint's "M" and "30" on their sides, and are a Schedule II Controlled Substance. These pills are commonly counterfeited and laced with fentanyl, leading to numerous overdose deaths in our community.

15. Additionally, four cellular devices were recovered from the vehicle and search warrants for all four devices were secured and executed by SCSO. Analysis of one cellular device recovered revealed it was associated to phone number (206)849-0295 and is believed to be the same phone TARGET was using to communicate with SPD CD.

CONCLUSION

15. Based upon the above facts, I believe probable cause exists to charge ISRAEL GARCIA with Possession with Intent to Distribute 400 Grams or More of a Mixture or Substance Containing a Detectable Amount of Fentanyl, in violation of 21 U.S.C. § 841 (a)(1), (b)(1)(A) (vi).

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I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

Respectfully Submitted,

Bianca Dimas

Special Agent Bianca Dimas
Drug Enforcement Administration

Sworn to telephonically and signed electronically on this 29th day of December, 2022.

Alexander C. Ekstrom

Alexander C. Ekstrom
United States Magistrate Judge

